

Appl. No. 10/535,050
Amdt. Dated July 27, 2009
Amdt. following telephone interview of July 23, 2009

REMARKS/ARGUMENTS

Applicant wishes to thank Examiner Barcena and Supervising Examiner Lorenzo for granting the telephone interview of July 23, 2009 with one of the inventors, Dr. Jean-Luc Meunier, Ms. Katys Iva Marc, of McGill University and Ms. Joan M. Van Zant, Patent Agent. Applicant is very appreciative of the time given by the Examiners and their guidance regarding the present application.

Summary of Telephone Interview With Examiners of July 23, 2009

1. The claims of the application, particularly claim 1, were discussed and the Examiners indicated that they appreciated that the claimed process was different from the teachings of the cited art, but felt that the claims were too broad and did not include key features that seemed to be necessary to distinguish the process such as, for example, temperature (equilibrium), quench rate, size of particles or scalability.
2. The Examiners indicated that because the claimed process used the same torch as is used or could be used in the cited US Patent No. 5,395,496, the process claims needed to contain limitations that would set it apart from this patent and teach the person skilled in the art how to practice the invention.
3. Applicant's representatives pointed out that the process operates with a completely different chemistry and physics and most important, the carbon nanostructures produced by the process included carbon nanotubes and carbon nano-onions which nanostructures are quite different from the fullerenes produced when using the processes of the cited art. Applicant's representatives indicated that the steps of

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the process as claimed in claim 1 did provide all the limitations necessary to ensure that the desired carbon nanostructures are produced every time.

4. The Examiners acknowledged that the limitation regarding the specific carbon nanostructures did indeed amount to a limitation that did distinguish over the art, and for that reason the rejections of the claims based on prior art would be considered.
5. Applicant's representatives indicated to the Examiners that the amendments to the specification submitted with the amendment filed February 27, 2009 referred to incorrect paragraph numbers and these have now been corrected in the re-submitted correcting amendments submitted herein.
6. Applicant's representatives also referenced that claim 2 had been amended with the amendment of February 27, 2009 and this too has been clarified with the re-submitted amendments to the claims submitted herein.
7. The Examiners also acknowledged that the election requirements made previously and with which Applicant had complied in the amendment of February 27, 2009 would be reconsidered as they may not have been appropriate both with respect to the restriction and cancellation of claims 15 to 18, and also with respect to the process and product claim restriction.

In connection with the reference to incorrect paragraph numbers in the amendment of February 27, 2009, Applicant would ask the Examiner to note the following remark. Because the references to paragraph numbering were incorrect with respect to the amendments for the specification and support for new claims 20, 21 and 22, Applicant would note the following passages should be referenced for claim support for claims 20, 21 and 22.

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Claim 20: see paragraph [0010] of the published application.

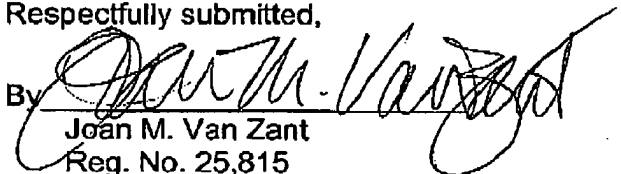
Claim 21: see paragraphs [0007], [0026], [0031] and [0032] of the published application.

Claim 22: see paragraphs [0008], [0009] and [0026] of the published application.

Favourable reconsideration of this application is respectfully requested.

Respectfully submitted,

By



Joan M. Van Zant

Reg. No. 25,815

Tel.: (416) 216-1868